

The Leveson Inquiry

Witness Statement for Part 1, Module 2

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**WITNESS STATEMENT OF BRIAN PADDICK**

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1. This statement is made to assist the Inquiry in relation to Module 2 of Part 1, which deals with the relationship between the Police and the Press and the conduct of each. Between November 1976 and May 2007 I was a police officer in the Metropolitan Police Service ('MPS'), retiring in 2007 with the rank of Deputy Assistant Commissioner. Where the contents of this statement are within my own knowledge they are true and where the contents are not within my own knowledge I indicate the source of my belief and believe them to be true. I attach as Exhibit BP1 a bundle of relevant documents to which the page references in this statement refer.

**Introduction**

2. My statement is divided into three parts:
  - i. In Part A I will give a general introduction and discuss my understanding of the culture of media relations within the MPS. I will explain how genuine concern about the reputation of the police has distorted the judgment of senior officers and led to a culture that allows corruption to flourish.
  - ii In Part B I will give examples of a culture of cover-up rather than own-up and how it became difficult for the MPS to prosecute its friends in the media, resulting in the rights of victims being sacrificed and the safety of

others potentially being put at risk. I will also deal with the issues raised by the MPS's original investigation into voicemail interceptions at the News of the World. I will highlight my concerns about the conduct of that investigation by reference to documents disclosed to me and the other claimants in the recent successful application for judicial review of the MPS's failure to investigate fully or to warn victims about actual or potential invasions of our privacy by the *News of the World*.

- iii. In Part C I will summarise my views and make suggestions about how to deal with the issues I have identified in my statement

## **PART A – BACKGROUND – MEDIA CULTURE AND POLICE BEHAVIOUR**

### **My background and experiences**

3. I joined the Metropolitan Police Service on 29 November 1976 at the age of 18. I achieved a degree in politics, philosophy and economics from The Queen's College, Oxford, which I attended on a police scholarship. Again whilst with the police, I later obtained a Master of Business Administration Degree from Warwick Business School and a Diploma in Applied Criminology and Policing from Fitzwilliam College, Cambridge.
4. I initially served for four years in the rank of Constable in Holloway, North London. During this time and for most of my time in my next roles as a Sergeant and an Inspector I was an operational police officer working on the streets of London. I secured a place on the police accelerated promotion scheme, was promoted to Sergeant at Brixton and was then posted to Fulham as an Inspector. Whilst at Brixton, I was on duty on the streets during the Brixton Riots of 1981.
5. I gradually progressed through the ranks, serving in both uniform and CID, working at New Scotland Yard and at Area Headquarters as well as at local police stations. I was later promoted to Commander in the Metropolitan Police and put

in charge of Lambeth Borough, a high profile role because of the symbolic nature of Brixton to the black community. I took up my post on 1 January 2001. I was promoted to Deputy Assistant Commissioner in November 2003 and was for a period Acting Assistant Commissioner. I retired from the police after 30 years and six months service in May 2007. I was the Liberal Democrat candidate for the Mayor of London in elections in 2008 and I am standing for election again this May.

6. I therefore have had extensive experience of the police culture over three decades and of the relationship between the MPS and the press. I have extensive experience of working at every level within the police service. I was present during some meetings of the Management Board, the senior team headed by the Commissioner.
7. For the record, I personally had good relations with a number of crime reporters as a serving police officer but not at every newspaper. For example, I had no contact with crime reporters from Associated Newspapers or News International except I had lunch once with *The Sun's* crime reporter. I had a good relationship with the crime correspondent at *The Financial Times* with whom I had lunch on a number of occasions at his expense. I had lunch once with *The Guardian* crime reporter. I was also once invited to an editorial lunch at *The Guardian* and at *The Mirror* too (along with a number of other people) when Piers Morgan was the editor. On every occasion I made an entry in the gifts and hospitality register kept in my office. Otherwise I received no hospitality from any other journalists that I can recall. I never received any gifts or payments from anyone in the media during my time as a police officer.
8. It is of course essential that genuine investigative journalism, conducted legally, and using reliable and verifiable sources to reveal stories that are genuinely in the public interest, should continue.

9. However, it is on record that I was subjected to a whole series of damaging newspaper articles between 2002 and 2007 when I left the Police. These were largely false, sometimes involving gross intrusions into my private life, mainly personal but also attacking my professional reputation as a police officer. They show the power of the press to injure those they take against, even those who are not celebrities and who do not use the media to promote themselves in the eyes of the public. Media intrusion of this sort can make it extremely difficult to work effectively as a police officer and this perhaps goes some way towards explaining the perceived need within the MPS to keep in the good books of influential editors. The failure of the MPS to correct the false information about my professional record also demonstrates a lack of willingness to stand up to the press, even at the expense of police officers' own welfare.

#### **Media relations at the MPS**

10. Policing in this country by a relatively small force of predominantly unarmed officers relies on the support, cooperation and consent of the public for it to operate effectively. The police rely heavily on the public calling when they see something suspicious, to provide information about people who are wanted and to give evidence as witnesses in criminal cases rather than relying on police officers discovering wrongdoing and wrongdoers themselves. To arrest someone who is prepared to cooperate takes one officer; to arrest someone who violently resists can take six officers.
11. There has been a decline in blind public acceptance of authority generally and the authority of the police in particular and as a result the police have been more and more concerned over the years with reputation management. The increase in investigative journalism revealing inappropriate police behaviour and high profile miscarriages of justice have further undermined public trust and confidence in the police. In order to preserve or enhance their reputation in the eyes of the public, the police have increasingly tried to keep bad news about the police out of the

media and have put more and more effort into getting positive news stories about the police into the media. I believe this has distorted senior police officers' judgements and created a potentially damaging culture within the MPS.

12. One way that the police have tried to manage their reputation is by befriending newspaper editors and other people in positions of power in the media. Successive Commissioners of the MPS have conducted charm offensives, with mixed success, in order to get the press on their side. The difficulty comes when the police have to prosecute their "friends".
13. The police have also tried to prevent stories from getting into the public domain even when the sole motivation for doing appears to have been to try to protect the reputation of the MPS. Of course this is not simply to save embarrassment but to preserve the public trust and confidence the police rely on in order to be effective. Not only do the MPS rely on their "friends" in the media to help keep the stories from becoming public but also, when serious malpractice is discovered, there is a danger that it is not effectively dealt with. As a result a judgment can be made that it is better to preserve the reputation of the MPS than bring people to justice and support the rights of victims.
14. Whether it is receiving excessive hospitality or creating a practice of cover-up rather than own-up, a culture is created where corruption can flourish. Setting a bad example for junior officers on the issue of receiving gifts or payments from those against whom they may subsequently be required to enforce the law or creating an expectation that you can get away with things because the MPS would be reluctant to take action that might damage its reputation, creates an unhealthy culture that must be addressed.

## **PART B – SPECIFIC EXAMPLES**

### **Relations between the MPS and the Media**

15. I have seen lists of the meetings between former Commissioners Sir John Stevens and Ian Blair and executives of News International, which were published following various Freedom of Information Act requests. Their social and professional links were very strong and considered to be of huge benefit to the MPS. As is well known, there was a revolving door between the Met and News International – Sir John Stevens and Andy Hayman, the MPS's former Assistant Commissioner for Specialist Operations, both retiring to a job with News International and the Police employing former News International editors and journalists as press advisors.
16. When Sir John (now Lord) Stevens became Commissioner in 1999 it was clear that he was waging a successful charm offensive with the media. He was popular with the press and with most of his junior colleagues although he intimidated some of his senior team. As a result, there was little negative briefing against him and he was able to encourage colleagues to be open with the media.
17. There was significant briefing against his Deputy, Sir Ian (now Lord) Blair who appeared to be blamed when things went wrong. When it became apparent that an Asian officer, Gurpal Viridi, was about to be found guilty and sacked by an internal discipline board (a decision subsequently overturned on appeal), the Commissioner immediately left the Yard and flew to Northern Ireland leaving Ian Blair to handle the fallout, for example. The negative briefing intensified in the run-up to Blair being selected as Steven's successor in 2005. One of the last things Stevens did as Commissioner was to renew Dick Fedorcio's contract as head of the Department for Public Affairs (DPA). A freelance journalist asked me how Fedorcio could continue in his role having briefed so heavily against Blair before his appointment as Commissioner. As soon as John Stevens left the Met, he was employed by News International to write a column in the *News of the World* titled "The Chief", which was seen as a slight on the new Commissioner.



18. Ian Blair's treatment at the hands of the media could not have been more different from Stevens'. For months he received negative commentary on his Commissionership. I was told that he held a series of dinners where he wined and dined the newspaper editors. There was open rebellion at the most senior levels at the Met at this time, culminating in one of his Assistant Commissioners threatening judicial review of one of the Commissioner's decisions and eventually openly calling the Commissioner racist. As a consequence, there was a clampdown on anyone having contact with the media and various investigations were mounted to trace unauthorised leaks of information, although none were successful. The Met went from being very open to being almost paranoid. As a result, good relationships with editors (of *The Sun*, the *News of the World* and *The Daily Mail* in particular) were seen as being more important than ever.
19. Shortly after he became Commissioner, Sir Ian Blair asked me to review rape investigation in the MPS. Performance was patchy and he wanted the MPS to be the best in the world. The review revealed serious shortcomings and made strong recommendations but senior officers were concerned about the impact the report would have on the MPS' reputation, particularly against the background of the criticisms levelled at the new Commissioner. As a result I was told to tone down the criticisms and water-down the recommendations. My original report highlighted changes over a period of 4 years 2001/2 – 2004/5. It showed a large increase in the number of allegations of rape, but a similar fall in the percentage of allegations classified as rape by the police. It also identified wide variations in the way rape was investigated by the MPS within London. The final report only analysed performance over two months in 2005 and sidestepped any criticism of the force saying "*Any assessment of the performance of the MPS in the investigation of rape must be placed in the wider context of the complexity of rape allegations that are reported.*" and "*Without detailed case-by-case analysis, it is not possible to determine the extent to which police performance affected the outcome of the investigation.*" In terms of remedial action, I recommended a radical change in approach supporting a "*consistent, victim-centred approach to*

*the management of rape allegations.”. However, the final report concluded that existing practices were adequate, saying “It is adherence to existing best practice that needs to be addressed to ensure a consistently excellent service is delivered across London to the victims of rape.”*

#### **Examples of MPS sensitivities to reputational damage**

20. When I asked the press officer assigned to handle the media what Mr Fedorcio had asked her to do with the report, she told me her job was to ensure it received no coverage at all. As a result, the service the MPS provided to rape victims was sacrificed in favour of the MPS’ reputation.
21. As is common knowledge, on 22 July 2005 Jean Charles de Menezes, a Brazilian tourist, was shot in the head and killed by MPS officers on the London Underground at Stockwell after being misidentified as one of the fugitives involved in failed bombing attempts the previous day. In August 2005, the then Commissioner, Sir Ian Blair, gave an interview to the *News of the World* in which he claimed that neither he, nor anyone advising him, knew for 24 hours that the police had shot the wrong man. I knew that what he had told the newspaper was not accurate and so I raised it with him directly. No action was taken to rectify the statement made to the press.
22. I was then required to make a formal statement to the senior investigating officer at the Independent Police Complaints Commission (‘IPCC’) who was investigating whether the police had misled the bereaved family and the media in the aftermath of the shooting of Mr de Menezes. I explained in that statement that I had personal experience of the matters in question including the conversation I had had with the Commissioner following the publication of the *News of the World* article. The Commissioner’s statement conflicted with my own conversations with his private office on the day of the shooting in which I was told that they had shot a Brazilian tourist. I was also told by the then head of Specialist Operations, Andy Hayman, a few hours after the shooting that they



believed the deceased was Jean Charles de Menezes and in my presence he ordered that a "community impact assessment" be drafted on the basis that we had shot the wrong man. It was drafted by my colleague and logged on the computer on the day of the shooting.

23. I told an Assistant Commissioner about what I had told the IPCC. I am aware that the very next day he invited a BBC journalist into his room, dismissed his press officer, and talked to her for an hour about my evidence. I believe that he did so in order to ensure that information was published, which was damaging to the Commissioner with whom he was in a dispute. I believe it was as a result of this conversation between an Assistant Commissioner and a BBC journalist my evidence to the IPCC was reported. The MPS then briefed against me by issuing a false statement suggesting that I had lied in my statement. I had to threaten libel proceedings to make them withdraw this statement, which they subsequently did.
24. The IPCC concluded that I had told the truth from the beginning and that the Commissioner's two closest advisors had not told him what they had told me within hours of the shooting: that a Brazilian photographic identity document had been found by the Home Office pathologist who had attended the scene of the shooting. This was to me an example of the MPS being more concerned with its public reputation than with the truth.
25. Towards the end of my career, I was having dinner with a friend in the same restaurant as Piers Morgan, who was having dinner with someone else. Having met Morgan several times before, he approached me during the dinner to ask me how it was going. I told him it had become difficult following my evidence to the IPCC, since this contradicted the official version of what had happened in the aftermath of the shooting of Mr de Menezes, as had been reported by the BBC. Although I said nothing that was not already in the public domain, a year or so later, when he published his "diaries" Morgan referred to the encounter and, as a consequence, Scotland Yard initiated a disciplinary investigation into my

“unauthorised disclosure of information” to Morgan. The MPS by that stage appeared to be taking disproportionate action to protect its reputation.

26. Another example of the Met’s concern about its reputation and the culture of cover-up was in 2001 when I was shown CCTV footage of officers attacking a defenceless young black man with batons during a riot in Brixton town centre. I was at that stage a Commander in the Brixton area where the attack happened and I considered I had a duty to the people in that area to be open with community leaders about what I had seen. I was subsequently told that the Commissioner was “furious” and that the community should only have been told if the officers were identified in the investigation that followed. Telling community leaders if and only if the officers had been identified would have been detrimental to the trust I had built up with the local community, but others clearly believed that the incident should have been covered-up and only made public if officers faced criminal charges and the matter had come into the public domain through that route.
27. The examples above demonstrate the MPS’ concern with its reputation. This anxiety has two major and damaging symptoms. It has led senior officers into a deferent relationship with senior tabloid editors. It has also caused the MPS to cover up wrongdoing rather than admit it publicly.

### **The Investigation to Phone Hacking 2006-2007**

28. Having seen the documents disclosed by the Met in connection with the judicial review application referred to at paragraph 2ii above, I can see a similar pattern to the examples I have given above. In my view the original police investigation into voicemail interception in 2006 may have been overshadowed by the closeness of relationships between the Met and the Press, which then compromised the integrity and independence of the investigation. Evidence of potential police corruption in connection with voicemail interceptions also appears to have affected the investigation. I now turn to deal with this in detail.

### **Background to the judicial review proceedings**

29. I was a senior officer during the time that the MPS conducted its first investigation into Glenn Mulcaire and Clive Goodman and their prosecution, which is to say during the course of 2006. As is well known, the Met's investigation, which was handled by the anti-terrorist Unit S013 which had special responsibility for Royal Security, commenced in January 2006 after members of the Royal Household became suspicious that their voicemails were being intercepted. I had little to do with the anti-terrorist branch but I knew Andy Hayman, who became Assistant Commissioner for Specialist Operations well from my dealings with him when he had previously been Head of Professional Standards, and I saw him regularly at meetings.
30. Like everyone else who followed the story, I thought that all of those responsible for voicemail interception had been apprehended and punished and that the practice had been brought to an end. Following the publication of a Guardian article in 2009, which alleged that there were very many more victims and perpetrators than had previously been thought, John Yates, who was then the Assistant Commissioner, appeared on television and assured the public that all victims had been warned. I am aware that Andy Hayman left the MPS in December 2007 shortly after the end of the original investigation and was then employed by News International. He wrote an article that was published by *The Times* and the *News of the World* in which he claimed that the investigation had "left no stone unturned" and that there had been only a handful of victims.
31. Nevertheless, I had always been concerned about the way in which information had been obtained about me and so on 26 November 2009 I wrote via my solicitors Bindmans LLP asking "whether the MPS was aware of or in possession of any evidence to suggest that I was the subject of unlawful investigative activities by Clive Goodman or Glenn Mulcaire or any other News of the World or News International journalists" and whether the MPS was "in possession of

any personal information about [me] obtained by Mr Mulcaire or others"- i.e. whether I was mentioned in the documents seized from Mulcaire by the MPS. This letter, which is exhibited at page 1 of BP 1, was sent personally to John Yates, who I know, and who was handling the response. I received no substantive response until a letter dated 12 February 2010 from the Directorate of Legal Services informing me that "we have no documentation to suggest that your client was subject to unlawful monitoring or interception of his mobile telephone" (Page 2).

32. My solicitors thought this was an odd form of words and made a further request reminding the MPS that we had asked whether or not I was mentioned in the documents. Only after that did the MPS tell me that, in fact, my name and occupation **did** appear in the documents seized during the Mulcaire/Goodman investigation (Page 3). I was told that just my name, occupation and the words "Police Commander" appeared on one sheet of paper and that there was no documentation to suggest I was subject to unlawful monitoring or interception by Mulcaire. I was surprised that they had not revealed that information in response to the previous letter, and by the contention that there was nothing to suggest that I was a 'target'. Mr Mulcaire used unlawful methods to obtain information, and the appearance of my name within the documents seized suggests that I was indeed a target of such unlawful methods. At the very least, the presence of my name in the documents seized indicates that the matter warranted further investigation. None was carried out by the Metropolitan Police.

33. The Victims' Charter requires all police officers to take victims' rights into account. There was at the very least a strong possibility that confidential personal information had been unlawfully obtained about me while I was a senior serving officer. I thought that was a serious matter and, following advice from my solicitors and jointly with several other claimants, issued judicial review proceedings to challenge the MPS's failures to tell me and the decision to provide me with misleading and incomplete information.

### **Misleading defence in the judicial review proceedings**

34. The way these proceedings were defended by the MPS was misleading in light of what we now know. The initial letter in response to our complaint said that there was nothing to indicate that Chris Bryant MP or I were targets of Mulcaire, it relied on the statements of John Yates in 2009 that the matter had been fully investigated and that all victims had been told, and said there could be no justification for re-opening the investigation (Pages 4 to 9).
35. In its formal Defence to the judicial review application, the Police claimed that the material seized from Goodman and Mulcaire was voluminous, chaotic and disorganised and difficult to decipher – and for that reason it was not examined. It also claimed that the presence of a name and mobile phone number in the documents was not sufficient to demonstrate that voicemail interception had taken place. The police indicated that the mobile phone service providers were told about the victims and claimed that they had agreed to warn them – something that has been denied by the providers. It also said that I had been given full, complete and accurate information about the documents held which concern me. I now know that almost all of this was either untrue or completely misleading (Pages 10 to 27).
36. On 26 January 2011 the Specialist Crime Directorate of the MPS launched “Operation Weeting”, a new investigation into the phone hacking. I was contacted by officers from the Operation, who showed me documents the MPS had seized from Glenn Mulcaire and which related to me. These documents contained my name, occupation, work mobile telephone number, home address and home telephone number and details relating to a former partner. I was also shown a copy of a document which revealed that my name and details had been entered into Mr Mulcaire’s computer as a “project”.



37. I have also now seen the documents disclosed by the MPS in the judicial review that reveal how the MPS investigation into voicemail interception was conducted ('the Disclosure Documents'). The Disclosure Documents reveal some worrying features of the investigation and demonstrate that the initial defence to the judicial review was misleading.

**The Disclosure Documents - The initial stages of the phone-hacking investigation**

38. It is clear from the Disclosure Documents that, in the initial stages of the MPS investigation, a thorough and appropriate approach was adopted. The MPS first received a report in late December 2005 that there was interference with the voicemails of members of the Royal Household. The investigation was to be handled by SO13, a counter-terrorism unit, which had specific responsibility for the security of the Royal Family.
39. The investigation discovered that Mr Goodman was responsible for having intercepted the voicemails of members of the Royal Household and that the Unique Voicemail Numbers (UVN's) of many people were being accessed by Mr Goodman. Legal advice was taken and the appropriate criminal offences were identified. A case review document by Detective Superintendent Philip Williams dated 4 April 2006 records that the ability to intercept voicemail messages was:

*"highly unlikely to be limited to Goodman alone and is probably quite widespread among those who would be interested in such access – a much wider security issue within the UK and potentially worldwide". (Page 30)*

However the document also records concerns that SO13 would not have sufficient resources to handle what could turn out to be a resource intensive investigation arguably outside its counter-terrorism remit:



*"In terms of an investigation, taking this enquiry forward will impact on core SO13 operations and the resource implications for a prosecution (dependent upon parameters) could be significant." (Page 31)*

40. In May 2006, it was discovered that another person had been working with Mr Goodman. This discovery is described by Case Officer Mark Maberly at paragraph 10 of his Witness Statement in the judicial review case dated 30 September 2011 as:

*"..the first indication that there was potentially another suspect involved in a sophisticated and organised interception of voice messages with knowledge of the systems and procedures used". (Page 39)*

41. At this time it had become very clear that this was indeed interception on a large scale and Keith Surtees, the Senior Investigating Officer, suggested that, given the large number of non-royal victims, another investigation team outside SO13 should take over. (Page 58) In my view this was a matter for the Specialist Crime Directorate who would have had the resources and skills to manage the investigation. I do not understand why the decision was made to keep it within SO13.

42. By July 2006 the investigation was ready to proceed with an arrest. This was made more urgent by the discovery that the voicemails of the MP and then Labour Cabinet Minister Tessa Jowell were being intercepted and the heightened security risk posed. Goodman and Mulcaire were arrested on 8 August 2006 and what was described as "a vast amount of documentation" was seized. I understand from the documents that this was in fact about 11,000 pages of notebooks and other jottings.

#### **The disclosure documents - The searches**

43. I note that on the day that Goodman and Mulcaire were arrested and searches of various premises connected to them were carried out, the only part of the *News of the World's* offices that was searched was the desk of Goodman, the paper's then Royal Reporter. The MPS did not obtain a Search Warrant but used powers under Section 18 of the Police and Criminal Evidence Act 1984 ('PACE'). They had also received advice from the CPS that Section 18 contained limitations and exclusions relating to "journalistic material" and that (obviously) "journalistic material" was likely to be present at the offices of the *News of the World*. The searching officers therefore decided that they would limit their initial search to Goodman's desk and the accounts department, where there was no journalistic material (Pages 59 to 61).
44. However, the arresting officers were met at the News of the World offices by the then Managing Editor, Stuart Kuttner, in-house lawyers Justin Walford and Jon Chapman and solicitor Julian Pike who "*obstructed*" them and there was a "*tense stand off*" in the words of the case officer (Page 48) . As a result of this, the order was given to restrict the search to Goodman's desk and it seems that the accounts department was not therefore searched. I also note that Goodman's computer and safe were retained by the solicitors and never handed over to the investigation, despite later requests.
45. In August and September 2006, the MPS corresponded with solicitors acting for News Group, BCL Burton Copeland. Mark Maberly, one of the case officers from SO13, made written requests for information and documents, asked for the computer and safe to be handed over, and suggested that a Production Order may be required so as to obtain this information. At the end of August 2006, the MPS sent Burton Copeland a letter enclosing a draft application for an Order under Schedule 1 of PACE which, would have permitted the MPS to search the News Group offices and seize relevant material. The application contained details of the material sought by the police, which included details of all payments made to

Mr Mulcaire. It states *"the evidence seized by the police during the course of the investigation, such as telephone records and notes found at Mulcaire's business premises, has disclosed the commission of a large number of further unlawful interceptions by Mulcaire"* and *"there is cogent evidence ..that Mulcaire has committed further offences"* It also states that the evidence sought will provide evidence for confiscation proceedings and *"identify other individuals who have committed criminal offences"*. (Pages 62 to 71)

46. Burton Copeland responded with a small amount of additional information and indicated that all relevant documents and information had been provided. I have seen those letters and it is obvious that News Group were not co-operating with the investigation (Pages 72 to 92)). The Met were told for example that only £12,300 was paid by Mr Goodman to Mr Mulcaire for unlawful activities whereas we now know it was many hundreds of thousands of pounds. The police were also told that certain documents did not exist. In summary, in response to police inquiries News Group simply stalled or refused to answer questions or to provide documents or falsely claimed to have provided all relevant information without the need for a warrant. The application was never made.

47. I do not understand why the MPS did not pursue an application in these circumstances. I am aware that ex DAC Clarke told the Home Affairs Select Committee in July this year that the MPS was misled by News Group. In my view it is not usual that a suspect would be permitted to fob the police off in this way.

#### **The Disclosure Documents - The identification of victims**

48. The Disclosure Documents show that the papers seized from Mr Mulcaire were examined and numerous victims were identified at an early stage. On 10 August 2006 the Decision Log maintained by the MPS officers responsible for the investigation, records that the documents relate to *"hundreds of individuals including Royals, MPs, sports stars, military, police, celebrities and journalists"* (Page 93). Officers were tasked to identify these individuals

and within 6 days of the arrests of Goodman and Mulcaire by 14 August 2006 a printed table of victims had been compiled containing a summary of the evidence contained in the notebook such as names, addresses, contact details, etc. There are 418 people listed in this document. This evidence contradicts the police public statements, repeated in the judicial review documents, that the documents seized by the police from Goodman and Mulcaire were not analysed. The Disclosure Documents also show that the police identified the need to identify a fuller list of victims which was not apparently done. Sue Akers has now confirmed that there are about 800 confirmed victims.

49. In serious crime investigations, decision logs record what decisions are made and their rationale. The Disclosure Documents show that a decision was taken in the summer of 2006 that it would be appropriate to warn all these victims that they had been targeted by Mr Mulcaire. At that stage the decision was to tell particular categories of people (Royal Household, Military, Police, and politicians) for whom there were security concerns. The others would all be told, either individually or through their mobile phone companies. That to me was a proportionate and sensible decision, taking the victims into consideration. However, only a tiny fraction of those people were actually told. Not only were the rest of the victims – about 800 people at least - kept in the dark, but many were actively misled by the police statements in 2009. There is no record of a decision not to inform victims, so I have no idea why the earlier decision was reversed or who made that decision. Having recorded the decision to inform all victims and the rationale behind it, for there to be no record of the decision to reverse the earlier decision is contrary to accepted practice. The effect of this failure has been to restrict public knowledge of both the phone hacking scandal and the police failures in the investigation. The MPS has now admitted that the failure was a breach of its legal obligations to the victims and apologised.

50. The MPS also identified numerous victims from examination of a computer seized from Mr Mulcaire. The print-out shows names, addresses and contact details for about 320 "projects" who appear to have been those whose voicemails he was targeting. My name appears on this 'project list'. The cover sheet to the document highlights the fact that my name and my occupation, at that time Commander, was of interest to Mr Mulcaire (Page 102). I am concerned that the MPS saw fit to respond to the queries I refer to at paragraph 31 above by saying I was not a target of Mr Mulcaire and to claim in its defence that the material had not been analysed and that it was too disorganised and badly written to identify most individual targets. This document demonstrates that I was in fact targeted by Mr Mulcaire and that the information I had asked the MPS for could have been obtained easily or searched electronically.

51. If the victims had been told, and appropriate information provided to them, then the investigation is likely to have taken an entirely different course. With public knowledge of the scale of the voicemail interception conspiracy, it would have been very obvious that numerous journalists were also involved and there would no doubt have been a thorough investigation. At that time, evidence would have been available which has now been lost, such as data from phone companies, which is only kept for a certain period of time. However, that did not happen and at the time the public were left with an impression that this was a small-scale operation involving two rogues. News Group's public statements that phone-hacking happened once and that one journalist was involved were never contradicted. The police were in possession of information that contradicted those false statements.

#### **The Disclosure Documents - Privileged relationships with the press**

52. I note in this context evidence of the privileged relationship between the Met and the media. On 15 September 2006 Tom Crone, News International's then Legal Affairs Manager, sent an email to Andy Coulson that recorded a conversation between Rebekah Wade and the MPS (Page 103). Apparently the MPS gave to



Ms Wade as she then was detailed information about the evidence in its possession, the progress of the investigation and the strategy for the future. Importantly, the MPS told Ms Wade that the MPS were not widening the case to include other *News of the World* people, but would do so if they received further evidence. That information was provided at a time when the MPS were attempting to obtain evidence from NGN voluntarily rather than pursuing warrants. Rebekah Wade was then the editor of *The Sun* and had been the editor of the *News of the World* during the period when some of these offences had been committed. The police were having detailed conversations with a person who could become a suspect, or had been closely involved with the suspects. The MPS were effectively tipping NGN off and NGN could then, as indeed they did, avoid providing evidence of the involvement of other journalists. This appears to be another example of the way in which the MPS prioritised their relationships with the media over pursuing an investigation and the very serious consequences it can have.

53. Although most victims were not informed, in October 2006 the MPS specifically emailed John Wellington, Managing Editor at *The Mail on Sunday*, to let him know that names of a number of his journalists had been discovered in Mulcaire's documents (Page 105). Once again, the relationship between the Met and certain tabloids was being prioritised over the rights of other victims.
54. I have seen a list of high-level meetings with News International executives, which were obtained under Freedom of Information requests and published in the Guardian. These meetings were taking place throughout 2006 at the same time the MPS were investigating criminal offences committed by journalists working for the company. I note in particular a meeting between Andy Hayman, head of Specialist Operations and the News of the World in April 2006, and a meeting between the Deputy Commissioner, Dick Fedorcio and Neil Wallis the deputy editor of the News of the World in September 2006. There is obviously a risk of a conflict of interest here. It allows critics of the police to assume News



International were attempting to influence the conduct of the police investigation and the fact that they took place in private without minutes being taken and published means the police have no evidence with which to defend themselves. For senior officers not to realise this shows a clear lack of judgement.

55. I have also seen the briefing notes that were provided to Mr Yates following publication of the Guardian article in July 2009. The MPS claimed that the investigation had been thorough and painstaking and that victims had been contacted. When this was shown to be untrue, the MPS wrongly sought to blame the Mobile telephone companies for not contacting victims. Rather than accepting shortcomings, the MPS continued to seek to hide them at the expense of victims.

#### **The Disclosure documents – failure to identify or interview other journalists**

56. It is obvious that the MPS must have been aware of the scale of the interception and of the number of journalists potentially involved and their identities. I am aware that the names of numerous journalists who commissioned various interceptions appeared in the corner of pages of Mulcaire's notebooks, by which I mean the so-called "corner names". The MPS had easily and quickly identified 418 victims from Mr Mulcaire's notebooks, and therefore must have identified the names of journalists who had commissioned Mulcaire to conduct interceptions as the names of the commissioning journalists were on the same page. However, these people were not even interviewed.

#### **The Disclosure Documents - Evidence of Police corruption**

57. Even more worrying is the revelation contained in one paragraph of the Witness Statement of Mark Maberly, one of the Investigating Officers. He refers to a print-out from Mr Mulcaire's computer, the "project list", and says that when he first saw this list, he immediately identified people in witness protection programmes, both witnesses and defendants (Page 55). That means that Mr Mulcaire, and presumably the *News of the World*, had contact or identity details

of people who had been given new identities by the police for their own protection.

58. This is amongst the most highly sensitive information in the possession of the police as people are usually only in the Witness Protection Programme ('WPP') when there is a risk to their lives. I have no explanation for how this information could have ended up on Glenn Mulcaire's computer other than that the information was leaked from inside the police. That is something I would expect the MPS to take with the utmost seriousness. However, there is nothing in the documents disclosed to me to suggest that anything was done and it has certainly never before been made public. I have seen the police interview records of Mr Mulcaire and he was not asked any questions about it, or re-interviewed after the discovery was made. I am not aware that any journalists were ever asked whether or not they had this information, or that any of those in the WPP were warned that their new identities may have become compromised.

59. If information had leaked from the Witness Protection Unit to the *News of the World*, this could have serious consequences for those individuals under protection. I would have expected the police to take immediate steps to investigate, to establish if any of this information had been provided to journalists and steps taken to protect those under the WPP. I note that the project list was created on 23 November 2006 and the Defendants pleaded guilty on 29 November 2006 which meant that the evidence would not be rehearsed in public. The whole thing appears to have been covered up.

60. I read in the press in the summer of 2011 that one of those convicted of the murder of James Bulger, Robert Thompson, was told in 2011 by Operation Weeting that his voicemails had been intercepted by Mr Mulcaire and/or News of the World journalists. That must have been in the period 2002-2006. Together with the contents of Mark Maberly's Witness Statement referred to above, this suggests that the MPS had known from August 2006, that highly sensitive

information about Robert Thompson, had been leaked from the police to an investigator working for a tabloid newspaper, and they decided not to investigate how this breach occurred, or to tell Mr Thompson, or to take steps to ensure that his identity was protected. It has caused me to wonder whether this was another reason for the failure to pursue the investigation further.

#### **Summary – the phone-hacking investigation**

61. In summary, the history of this investigation illustrates a worrying coalescence of 2 strands of media relations in the MPS. Firstly, the way in which anxiety about its reputation led to a privileged relationship between the MPS and the tabloids which in turn risked a serious conflict of interest when tabloid crimes were under investigation. In my view, this relationship may have been a factor in the failure to inform victims, the decision not to pursue search warrants or interview other journalists. It also led to certain journalists being given preferential treatment during the investigation. Secondly, the desire of the MPS to avoid public embarrassment and reputational damage may have led them not to pursue evidence of possible police corruption and to mislead the public about the ambit and scale of phone-hacking.

#### **PART C – CONCLUDING REMARKS AND RECOMMENDATIONS**

62. Since I started to draft this statement, the Police have arrested 10 Sun Journalists and a police officer, following investigations carried out by Operation Elveden. If these arrests do result in convictions or a change in attitudes then that is to be welcomed.
63. I find it difficult to have confidence in the current investigations, despite having the utmost respect for the Senior Investigating Officer, Sue Akers, since the police are investigating themselves and are relying on the voluntary co-operation of News International in order to make progress. It leaves open the possibility that, should evidence severely damaging to both the reputation of the Metropolitan Police and News International be discovered, such as the collusion of very senior

police officers or those at the highest levels in news International, it could be covered-up to the benefit of both parties.

64. It is essential, in my view, that independent scrutiny and oversight of the investigation is introduced or that the investigation is led by a police force not so far implicated in the current investigations. In my view, neither the Independent Police Complaints Commission nor Her Majesty's Inspectorate of Constabulary can provide the required level of independence because of the involvement of serving (in the case of HMIC only) and retired police officers being employed in both organisations.
65. In my view, there are some steps that ought to be taken immediately so as to ensure that the relationship is healthy and professional and that the MPS learn to manage media relations in a way that avoids conflicts of interests or cover-ups.
66. Firstly, there should be a thorough revision of the rules so that they are clear and all police officers are aware of what is and is not permitted. The legal and operational parameters of contact with the media at all levels should be an integral part of training.
67. Secondly, there should be a change in culture led from above. Public trust and confidence in the police is very important, as is freedom of the press. It has always been my view that being honest and open with the public (and the media) not only wins public trust and confidence but also places an even greater imperative on police officers to adopt the highest standards of conduct, if they know that serious failures will inevitably be made public. In my view there should be greater transparency and a much greater willingness to own up to police shortcomings. The MPS should be open to public scrutiny and welcome constructive criticism. It should demonstrate a willingness to learn from its mistakes and in return it should expect balanced reporting in the media without the need to cultivate relationships with editors.

68. Senior officers in the MPS should be very cautious about relationships with senior editors and tabloid newspapers and all meetings should be minuted and recorded. It should be made very clear that these relationships are professional relationships and no different from relationships with business or community leaders. One of the first lessons you are taught as a police officer is not to become indebted to local business people and one of the first lessons you are taught as a police leader is the need to avoid friendships with subordinates; the same should apply to the media. If you have to take action against people who have given you free meals or who are your "friends", you could find your judgement is clouded and they are likely to resent it.
69. Clearly it is important that confidential information is not passed to the media that could jeopardise investigations or put people's lives at risk and action should be taken against those who leak such information. There may however be circumstances when genuine 'whistle blowers' should put information into the public domain but if such information is in the public interest, there should be no reason for public servants to be paid for such information. A good test of the motivation of a source must be their willingness to risk their job for the public good and not for personal gain.
70. Recent changes in legislation affecting the MPS mean that the Commissioner is solely responsible for internal disciplinary issues, the only exception being himself and his deputy. In respect of the Commissioner and the Deputy Commissioner, disciplinary action is the responsibility of the Mayor of London. When it comes to unauthorised disclosure of information, which may be in the public interest and which could be judged as detrimental to the reputation of the MPS, I am not confident that the Commissioner is in the best position to instigate, prosecute and adjudicate on the disciplinary action to be taken against the officer responsible. I believe public confidence in the police would be enhanced if an independent Deputy Mayor for Standards was appointed to oversee not only

internal disciplinary cases but to set and monitor the standards of conduct of all officers in the MPS.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Dated the 19<sup>th</sup> day of February 2012

Brian Paddick

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